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Monday 24 May 1824. 1st day

Record of the decrees, Judgments orders and proceedings of the Supreme Court of the State of Missouri held for the fourth Judicial District of said State at the Town of Jackson in the County of Cape Girardeau. Of the Term of May in the year of our Lord one thousand eight hundred and twenty four and of the Independence of the United States of America XLVIII.

On Monday the first day of the Term and Twenty Fourth day of the month of April, said Court was held as aforesaid before
The Honorable Rufus Pettibone Esqr.
and The Honorable George Tompkins Esqr
Judges of said Supreme Court.

Joseph Houches
11 versus
Pierre A. Vong and
Jean Bte Hubardeau.

The Plaintiff by his attorney comes and on his motion it appearing that the order for the sale of the mortgaged premises (which are particularly described in the order) in this case made at the last term of this Court has not been complied with by the Sheriff of Sainte Genevieve County to whom it was directed Therefore it is ordered that said order for the Sale of said mortgaged premises be and stand revived, and that the same be sold agreeably to the Terms of said former order by the Sheriff of the County of Ste Genevieve aforesaid on the second Tuesday in July next to satisfy the amount of the mortgage money and interest due said Plaintiff and the costs=

Monday 21st May 1804. 1st day

Roland Boyd } Debt in Error. 10

versus

Sarah Sargeant who sues for the use of Archibald Morgan.

The parties by their attornies came and the record and proceedings aforesaid and the Judgment in form aforesaid given being seen, and the matters for Error therein assigned being joined, the same are submitted to the Court who having considered thereof, will thereupon advise.

Rosannah Ross Executrix and John M. Ross Executor of the last will and testament of Stephen Ross deceased } Covenant in Error. 56.

versus

David Fowler.

The Plaintiffs by their attorney come and permit their suit to be discontinued. Therefore it is considered by the Court that the defendant recover of and from the Plaintiffs his costs and charges in and about his defence in this behalf expended to be made of the goods and chattels of said deceased remaining in the hands of said Executrix and Executor to be administered and that he have execution thereof.

Warren Edmonds } Covenant in Error. 68

versus

Henry Hand.

The Plaintiff by his attorney comes and permits this suit to be discontinued. Therefore it is considered by the Court that the defendant recover against the Plaintiff his costs and charges in and about his defence in this behalf expended, and that he have execution thereof.

Monday 24 May 1824. 1st day.

69 James Edmonds
versus
Jacob Littleton

Covenant in Error.

The Plaintiff by his attorney comes and permits this suit to be discontinued: Wherefore it is considered by the Court that the defendant recover of and from the Plaintiff his Costs and charges in and about his defence in this behalf expended and that he have execution thereof.

70 James Edmonds
versus
Townsend Nichols

Trespass in Error.

The Plaintiff by his attorney comes and permits this suit to be discontinued. Wherefore It is considered by the Court that the defendant have and recover of and from the Plaintiff his costs and charges in and about his defence in this behalf expended and that he have execution thereof.

83. William Tipton
versus
Robert Montgomery by his next Friend Van B. DeLashmutt for the use of Van B. DeLashmutt

Debt in Error.

The defendant by his attorney comes and moves the Court to dismiss this suit for want of security for costs the Plaintiff being a non resident which motion was kept under advisement by the Court &c.

Whereupon the Supreme Court adjourned until Eight O'Clock tomorrow morning.

Test Claiborne Simms Thomas
Depty Clk

Tuesday 25th May 1824. 2nd day

On Tuesday the second day of the Term and Twenty Fifth day of May in the year 1824. The Supreme Court met at Eight O'Clock in the morning pursuant to adjournment

Present

The Honorable Mathias McGirk Esq

The Honorable Rufus Pettibone Esq

and The Honorable George Tompkins Esq

Judges of said Supreme Court.

Luke Mattingly
versus
Sarah Hayden.
} Ejectment in error 60

The parties by their attornies came and the record and proceedings aforesaid and the Judgment in form aforesaid given being seen, and the matters for error therein assigned being found are submitted to the Court who having considered thereof will thereupon advise

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65.

James H. Overstreet and Gabriel Overstreet late partners in trade doing business under stile and Firm of J. H. and G. Overstreet
versus
William Shannon
} Debt in Error

The parties by their attornies came and the record and proceedings aforesaid and the judgment given in form aforesaid being seen and the matters for error therein assigned being found, are submitted to the Court who having considered of the premises will thereupon advise.

Tuesday 25. May 1824. 2nd day

79 John Logan
versus
William R Bellamy

The plaintiff by his attorney comes and suggests that before this day the said defendant William R. Bellamy died and this is not denied and thereupon this cause is continued to next term.

---

80 John Delap
versus
John Davis } Debt in Error.

The parties by their attornies came and the defendant moved the Court to dismiss this cause from the docket because there was no assignment of errors filed herein on or before the first day of this term Whereupon it is considered by the Court that said motion be sustained, this cause dismissed and that the defendant recover of and from the Plaintiff his costs and charges in and about his defence in this behalf expended and that he have execution thereof.

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82 Gage and Black for the
use of Charles I Rainey sur
viving executor of James Brady deceased } in error.
versus
Charles G. Ellis administrator de
bonis non of Thomas W. Waters
deceased

The parties by their attornies came and the record and proceedings aforesaid and the Judgment given in form aforesaid being seen and the matters for error therein assigned being joined the same are submitted to the court who having considered of the premises will thereupon advise.

Wednesday 22d May 1811. 2nd day

84

John Brown versus George Trotter } in error

The parties by their attornies came and the record and proceedings aforesaid and the judgment given in form aforesaid being seen, and the matters of error therein assigned being joined heard and argued the Court will thereupon advise.

86

Alexander Buckner versus David and Solomon H. Armour } in error

The parties by their attornies came and the defendants moved the court to quash the writ of error herein, on reasons filed which motion being heard and argued is kept under advisement by the Court.

88

William Tipton versus Robert Montgomery by his next friend Van B. D. Lashmutt for the use of Van B. D. Lashmutt } Debt in Error.

The Plaintiff by his attorney comes and on his motion leave is granted him to file his joinder in error herein which he does accordingly.

87.

Thomas W. Travis and Samuel Ravenscroft Administrators of Levi Nottallion deceased appellants versus Thompson Bird appellee } appeal in Chancery.

The parties by their solicitors came and the appellee moved the court on reasons filed to dismiss the appeal in this case which motion being heard and argued is kept under advisement by the Court.

Tuesday 25 May 1824. 2nd day:

94 Nicholas Ray
appellant
against
Thomas Hubbell and Polly
his wife appellees.

appeal in Chancery

The parties by their attornies came and the appellees moved the court on reasons filed to dismiss the appeal in this case which motion was kept under advisement by the Court.

T. E. Strange and Zenas Priest
73 versus
Charles G. Ellis.

The said Charles G. Ellis by his attorney comes and moves the Court that the fee bill of Peter R. Garrett Clerk of this court be corrected in this case wherein the said Garrett has charged a fee for entering the appearance of both plaintiff and defendants at each calling of the cause. Whereupon the said Garrett prayed the opinion of the Court if by law he is entitled to the fees aforesaid for the services aforesaid. The court after hearing the arguments of counsel are of opinion that the Clerk is entitled to the fee allowed by law for entering the appearance of each defendant once in a cause and no more, and that he is entitled to no fees for entering the appearance of a Plaintiff and the Court do order that said Garrett do remit to said Charles G. Ellis the sum of forty cents =

The said Charles G Ellis then came and moved the Court that the fee bill of C. S. Thomas Clerk of Cape Girardeau Circuit Court be corrected in the same case, wherein the said C. S. Thomas has charged for searching the record of the said Judgment of the Circuit Court in making out a transcript of said record to be certified to this court. Whereupon the said C. S. Thomas prayed the opinion of this court if by law he is entitled to the fees aforesaid for the services aforesaid. The Court after hearing the arguments of counsel are of opinion that said Clerk had no right to charge any

Tuesday 25th May 1824. 2nd day

fee for searching a record where such search is neceſsary to enable him to perform any other duty, which may be lawfully required of him as making out a transcript or copy, iſsuing an execution &c.

and the Court do order that the said C.S. Thomas remit to the said Charles G. Ellis the sum of two dollars charged for searching the record in making out the transcript in this cause.

Whereupon The Supreme Court adjourned untill eight O'Clock to morrow morning.

Test

Claiborne T. Thomas
Depy Clk

Wednesday 26 May 1824. 3rd day

On Wednesday the third day of the term and Twenty Sixth day of April in the Year 1824 The Supreme Court met at eight OClock in the morning pursuant to adjournment.

Present.

The Honorable Mathias McGirk Esqr
The Honorable Rufus Pettibone Esqr
and The Honorable George Tompkins Esqr
Judges of said Supreme Court.

10 Roland Boyd
versus
Sarah O Sargeant
who sues for the use of
Archibald Morgan.

Debt in Error.

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises and the record and proceedings aforesaid and the Judgment given in form aforesaid being seen, and the matters for error assigned and joined being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had, It appears to the Court now here that in the record and proceedings aforesaid and also in giving the Judgment aforesaid, there is manifest error.

Therefore It is considered by the Court that the Judgment aforesaid, be reversed annulled and altogether held for nothing that a new trial of this Cause be awarded and the same remanded to the said Circuit Court, together with the decision and determination of this Court for proceedings there to be had in this cause accordingly and that the plaintiff recover of and from the defendant his costs and charges in and about his writ of error in this behalf expended, and that he have execution thereof.

Wednesday 26. May 1824. 3rd day

Lewis Mattingly versus Sarah Hayden } Ejectment in Error. 60

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises, and the record proceedings and Judgment aforesaid being seen, and the matters aforesaid for Error assigned and joined being heard and argued, and by the Court now here fully understood and mature deliberation being thereupon had, It appears to the Court here that there is no error, either in the record proceedings or Judgment aforesaid. Therefore it is considered by the Court here, that the Judgment aforesaid in form aforesaid given, be in all things affirmed, and stand in full force, the matters aforesaid for error assigned not withstanding, and that the defendant have and recover of and from the Plaintiff as well her costs and charges in the Circuit Court aforesaid as also her costs in this court expended ~~and that she have execution thereof~~. The plaintiff then came and presented his petition for a new trial of this cause

John Brown versus George Fricke } in Error. 84

The parties by their attornies came and the Court being now sufficiently advised of and concerning the Premises and the record proceedings and Judgment aforesaid being seen, and the matters aforesaid for error assigned and joined being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had. It appears to the Court here that there is manifest error in the record proceedings & Judgment aforesaid.

Therefore it is considered by the Court that the Judgment aforesaid be reversed annulled and altogether held for nothing; that a new trial

Wednesday 26 May 1824. 3rd day

84 of this cause be awarded and the same remanded to the said Circuit Court together with the decision and determination of this court for proceedings there to be had in this cause accordingly and that the plaintiff recover of and from the defendant his costs and charges in and about his [illegible] writ of error in this behalf expended and that he have execution thereof.

94 Nicholas Ray appellant
against
Thomas Tublell and
Polly his wife Appellees.
appeal in Chancery

The parties by their solicitors came and the Court being now sufficiently advised of and concerning the motion heretofore made to dismiss the appeal in this case, Are of opinion that the same be overruled.

86 Alexander Buckner
versus
David and Solomon H. Armour
in Error

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises do consider and adjudge that the writ of error in this case be quashed and that the defendants recover of and from the plaintiff their Costs and Charges in and about their defence in this behalf expended and that they have execution thereof:

On motion of the plaintiff, leave is granted him to withdraw the Transcript of the Proceedings in the Cape Girardeau Circuit Court filed herein.

87. Thomas W. Graves
and Samuel Ravenscroft
Administrators of Levi
Wolverton deceased appellants
vs
Thompson Bird appellee
appeal in Chancery

The parties by their solicitors

Wednesday 26 May 1824. 3rd day

Came and the Court being now sufficiently advised of and concerning the motion heretofore made to dismiss the appeal in this case. It is considered ordered adjudged and decreed that the said motion be sustained, the appeal in this case dismissed and that the appellee have and recover of and from the appellants his costs and charges in and about his defence in this behalf expended and that he have execution thereof, to be made of the goods and chattels of said deceased remaining in the hands of said Administrator, to be administered. 87 x

Thomas W. Graves and Samuel Ravenscroft Administrators of Levi Wolverton deceased appellants.
Versus
John Bird and Thompson Bird appellees

Appeal in Chancery. 88.

The Parties by their solicitors came and the appellees moved the Court to dismiss the appeal in this case for the reason that the appeal was improperly taken. Whereupon it is considered ordered and decreed that said motion be sustained, the appeal in this case be dismissed, and that the appellees have and recover of and from the appellants their costs and charges in and about their defence in this behalf expended and that they have Execution thereof, to be made of the goods and chattels of said deceased remaining in the hands of said administrators to be administered x

Uriah S. Cummins, Ninian Edwards, Joseph Phillips Charles S. Hempstead and William Morrison
versus
Henry Dodge for the use of Michael Foza

Debt in Error. 89.

The parties by their

Wednesday 26 May 1824. 3rd day

36. attornies came and the defendant moved the Court to quash the writ of error herein, on reasons filed; which motion was kept under advisement by the Court.

89. Parish Green
versus } Covenant in Error
William Hickman

The parties by their attornies came and the record and proceedings aforesaid and the Judgment in form aforesaid given being seen, and the matters for error therein assigned being joined heard and argued The Court will thereupon advise.

~~245~~ 91 Thomas W. Graves and John
Humphreys (who are sued with
Lewis A Carrother deceased, appellants } Covenant
Versus
The State of Missouri appellee

The parties by their attornies came and the record and proceedings aforesaid, and the Judgment in form aforesaid given being seen, and the matters for error therein assigned being joined heard and argued the Court will thereupon advise.

94 Nicholas Ray appellant
against
Thomas Sublett and Polly } appeal in chancery
his wife, appellees.

The parties by their Solicitors came and the record and proceedings aforesaid and the decree entered in form aforesaid being seen, and the matters for error therein assigned being joined heard and argued The Court will thereupon advise.

Whereupon the Supreme Court adjourned untill nine O'Clock tomorrow morning.

Test A. L. Thomas.
depty Clk

Thursday 27th May 1824 4th Day

On Thursday the fourth day of the Term and twenty seventh day of May 1824 The Supreme Court met at Nine O'Clock in the morning pursuant to adjournment

Present

The Honorable Mathias McGirk Esquire
The Honorable Rufus Pettibone Esqr
and The Honorable George Tompkins Esqrs
Judges of Said Supreme Court

Uriah J Cummins, Ninian Edwards,
Joseph Phillips Charles S. Hempstead
and William A Morrison
versus
Henry Dodge for the use of Michael Goza.
} Debt in error.

Charles S. Hempstead one of the Plaintiffs by his attorney comes and moves the Court to amend the writ of error in this Case by striking out the names of Uriah J Cummins, Ninian Edwards, Joseph Phillips and William A Morrison which motion was sustained by the Court and leave given the defendant to plead at or before next term. The defendant moved the Court to discharge the Supersedeas in this case which motion was sustained by the court the Supersedeas herein is discharged and thereupon this cause is continued to next term. 36

Richard H Waters appellant
versus } Appeal in Chancery
Elizabeth Phillips administratrix and
and Thomas Phillips administrator
of Samuel Phillips deceased appellees 78

The parties by their attornies Came and thereupon it is ordered by the Court that this Cause be Docketed and that said Waters answer the Complainants bill on or before the first day of the next term of this Court, and that he furnish the adverse party with a copy of his answer herein, whereupon this Cause is Continued until the next Term of this Court —

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96 William Hickman appellant
versus } Appeal debt in Error
William G. Byrd assignee of
Abraham Smith appellee

The parties by their attornies Came, and the appellee moved the Court to dismiss the appeal in this Case, on reasons filed, Thereupon errors being assigned and joined herein, on motion of the appellee this Cause is Continued until the next Term of this Court &c —

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95 James Evans and Charles G Ellis appellants
versus } appeal in Chancery
Jonas A Merifee appellee

The parties by their attornies Came, and the Record and proceedings aforesaid and the decree entered in form aforesaid being seen, and the matters for error therein assigned being joined heard and argued the Court will thereupon advise.

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71 George W. Ferguson
versus } Case in Error
William Neely. Anthony B Neely
Joseph Frizel and Johnson Ranney
Executors of Joseph Frawell deceased

The parties by their attornies Came, and the Record and proceedings aforesaid, and the Judgment in form aforesaid given being seen, and the matters for error therein assigned being joined, heard and

Thursday 27th May 1824 4th Day

argued, The Court will thereupon advise —

Whereupon the Supreme Court adjourned untill 10 OClock Tomorrow morning

Teste
P R Garrett Clk

On Friday the fifth day of the term and twenty eighth day of May in the year 1824, The Supreme Court met at Ten OClock in the morning pursuant to adjournment —

Present The Honorable Mathias McGirk Esqr
The Honorable Rufus Pettibone Esqr &
The Honorable George Tompkins Esqr
Judges of said Supreme Court —

George W Ferguson
versus } Case in Error
William Neely, Anthony B Neely, Joseph Frizel and Johnson Ranney Executors of Joseph Seawell deceased 71

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises, and the Record proceedings and judgment aforesaid being seen, and the matters aforesaid for error assigned and joined being heard and argued, and by the Court here fully understood and mature deliberation being thereupon had, It appears to the Court here that there is no error, either in the Record proceedings or Judgment aforesaid, Therefore it is considered by the Court here, that the Judgment aforesaid in form aforesaid given, be in all things affirmed the matters aforesaid for error assigned notwithstanding, And that the defendants have and recover of and from the plaintiff their Costs and charges in and

Friday 28th May 1824. 5th Day.

about their defence in this behalf Expended and that they have Execution thereof &c

James Evans and Charles G Ellis appellants
versus } appeal in Chancery
Jonas H Menifee appellee

The parties by their attornies came, and the Court being now sufficiently advised of and Concerning the premises, and the Record and procee-
95 dings aforesaid, and the decree entered in form afore-
said being seen, and the matters for error assigned and joined being heard and argued, and mature deliberation being thereupon had, and the same being by the Court now here fully understood, It appears to the Court now here, that in the Record and proceedings aforesaid and also in entering the Decree aforesaid, there is no error, Therefore it is Considered by the Court that the Decree aforesaid be in all things affirmed against Charles G Ellis and that the appeal therein be dismissed as to James Evans, and it is also Considered by the Court that said Evans and Ellis each pay their respective part of the costs of this appeal, Whereupon it is Considered and adjudged by the Court now here that the appellee have and recover of and from the appellants his Costs and Charges in and about the his defence prosecuting his ~~appeal~~ in this behalf Expended, and that he have Execution thereof and it is further Considered and adjudged that the appellee have and recover of and from the appellant Charles G Ellis the Costs in the Circuit Court aforesaid expended and that he have Execution thereof &c

Friday 28th May 1824, 5th Day

Morgan Byrne
versus
William Thompson administrator de bonis non of John Whittenburgh deceased

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises, and the record and proceedings aforesaid and the Judgment given in form aforesaid being seen, and by the Court now here fully understood, and mature deliberation being thereupon had It appears to the Court now here that in the record proceedings and judgment aforesaid there is no error: Therefore it is considered by the Court that the Judgment aforesaid be in all things affirmed and stand in full force, the matters aforesaid for Error assigned notwithstanding, and that the defendant have and recover of and from the plaintiff his costs and charges in about his defence in this behalf expended and that he have execution thereof. 85

Cageand Black Galloway
Charles F. Ranney surviving executor
of James Brady deceased
versus
Charles G. Ellis administrator de
bonis non of Thomas W. Waters
deceased. 82

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises, and the Record and proceedings aforesaid and the Judgment given in form aforesaid being seen and by the Court now here fully understood and mature deliberation being thereupon had, It appears to the Court now here that in the Record and proceedings and also in the

Friday 28th May 1824 5th Day

rendition of the Judgment aforesaid, there is no error, Therefore it is Considered by the Court that the Judgment aforesaid be in all things affirmed, and stand in full force, the matters aforesaid for error assigned notwithstanding, and that the defendant have and recover of and from the plaintiffs his costs and charges in and about his defence in this behalf Expended and that he have Execution thereof &c And it is further Ordered that Charles T Ramsey for whose use this suit is brought pay the Costs of said suit on or before the next term of this Court —

Luke Mattingly
versus } Ejectment in Error
60 Sarah Hayden

The parties by their attornies Came, and the Court being sufficiently advised of and upon the premises, do overrule the petition of the plaintiff filed herein, for a new trial of this Cause

Parish Green appellant
versus } Covenant in Error
William Hickman appellee

89 The parties by their attornies Came and by their Consent this Cause is Continued until the next term of this Court —

Friday 28th May 1824 5th Day

William Tipton
versus
Robert Montgomery by his next friend Van B. D. Lashmutt for the use of Van B. D. Lashmutt.

Debt in Error

The parties by their attorneys came and the record and proceedings aforesaid and the record and Proceedings aforesaid and the Judgment given in form aforesaid being seen, and the matters for error therein assigned being joined heard and argued and by the Court now here fully understood, and mature deliberation being thereupon had; it appears to the Court now here that in the record, Proceedings and Judgment aforesaid there is manifest error. 83

Therefore It is considered by the Court that the Judgment aforesaid be reversed annulled and altogether held for nothing, that a new trial of this cause be awarded and the same remanded to the said Circuit Court together with the decision and determination of this Court for proceedings thereto be had in this cause accordingly, and that the Plaintiff have and recover of and from the defendant his costs and charges in and about his writ of error in this behalf expended and that he have execution thereof.

Nathaniel Pope and John Scott
versus
John Hays late Sheriff of the County of Cape Girardeau 61

The parties by their attorneys came and the record and proceedings aforesaid and the Judgment in form aforesaid given being seen and the matters for error therein assigned being joined heard and argued and by the Court now here fully understood and mature deliberation being thereupon had It appears to the Court now here that in the record proceedings and Judgment aforesaid there is no error. Therefore it is considered by the Court

Friday 28th May 1824. 5th Day

that the judgment aforesaid be in all things affirmed and stand in full force, the matters aforesaid for error assigned notwithstanding and that the defendant recover of and from the plaintiff as well his costs and charges in the Circuit Court aforesaid as also his costs in this behalf in this court expended and that he have execution thereof &c.

Nicholas Peay appellant
versus } appeal in Chancery
Thomas S. Sublett and Polly his wife appellees

The parties by their solicitors came, and the Court being now sufficiently advised of and concerning the premises, and the Record and proceedings aforesaid and the Decree entered in form aforesaid being seen, and the matters for Error therein assigned being joined heard and argued and by the Court now here fully understood, and mature deliberation being thereupon had, It appears 94 to the Court now here that in the Record, proceedings and Decree aforesaid there is manifest error— Therefore it is Considered by the Court that the Decree aforesaid, be reversed, annulled and altogether held for nothing, that a new trial of this Cause be awarded, and the same remanded to the said Circuit Court together with the decision and determination of this Court for proceedings there to be had in this Cause according and that the appellant have and recover of and from the appellees his Costs and charges in this behalf Expended and that he have Execution thereof &c

Friday 28th May 1824 5th Day

Richard H Waters appellant
versus } Appeal in Chancery
Elizabeth Phillips administratrix and 78
Thomas Phillips administrator of
Samuel Phillips deceased appellees

The parties by their solicitors came, and appellees suggest to the Court that the Record in this Case is diminished and imperfect and prays the writ of Certiorarie to the Circuit Court of New Madrid County requiring said Court to Certify to this Court on the first day of the next term thereof a full and perfect Transcript of the Record and proceedings in said Cause, which writ is accordingly awarded, to be iſsued according to specifications of diminution by said appellees here filed and thereupon this Cause is Continued until the next term of this Court.

Thomas W. Graves and John Tompkins who are sued with Lewis Mansker now deceased appellants
versus } Covenant in Error 91
The State of Miſsouri appellee

The parties by their attornies came, and the Court not yet being sufficiently advised of and Concerning the premises take further time to advise thereupon, and it is ordered by the Court with the aſsent of the parties, that if the Judges of said Court shall transmit to the Clerk of this Court their Opinions in this Case previous to the next term thereof, said Clerk shall enter up Judgment herein in Conformity with said Opinions or any two of them Concuring; as of the present term of this Court, which Judgment when so entered shall have the same effect as if now entered,

Friday 28th May 1824. 5th Day

John Tompkins and Thomas W Graves who are sued with Louis Marishon now deceased appellants
versus } Covenant in Error
90 The State of Missouri appellees

The parties by their attornies came, and the Court not yet being sufficiently advised of and concerning the premises take further time to advise thereupon, and it is ordered by the Court with the assent of the parties that if the Judges of said Court shall transmit to the Clerk of this Court, their opinions in this Case, previous to the next term thereof said Clerk shall enter up Judgment herein in conformity with said Opinions, or any two of them Concurring, as of the present term of this Court, which Judgment when so entered shall have the same effect as if now entered

David Allen and William Craycroft (impleaded with
92 Nathaniel Cook) appellants
versus } Covenant in Error
The State of Missouri appellees

The parties by their attornies came, and the Court not yet being sufficiently advised of and concerning the premises take further time to advise thereupon, and it is Ordered by the Court with the assent of the parties that if the Judges of said Court shall transmit to the Clerk of this Court their opinions in this Case, previous to the next term thereof, said Clerk shall enter up Judgment herein in Conformity with said Opinions or any two of them Concurring, as of the present Term of this Court, which Judgment when so entered shall have the same effect as if now entered &c

Friday 28th May 1824, 5th Day

James Ravenscraft (impleaded with Jonas N Menifee and Jennifer T Sprigg appellants
versus } Covenant in Error
The State of Missouri appellee

The parties by their attornies came, and the Court not not yet being sufficiently advised of and Concerning the premises, take further time to advise thereupon, and it is Ordered by the Court with the assent of the parties that if the Judges of said Court shall transmit to the Clerk of this Court their Opinions in this Case, previous to the next term thereof said Clerk shall enter up Judgment herein in Conformity with said Opinions or any two of them Concurring as of the present term of this Court which judgment when so entered shall have the same effect as if now entered 93

Thompson Crawford, James Crawford and Samuel Campbell
versus } Covenant in Error 81
The State of Missouri

The parties by their attornies came, and the Court not yet being sufficiently advised of and Concerning the premises, take further time to advise thereupon, and it is Ordered by the Court with the assent of the parties that if the Judges of said Court shall transmit to the Clerk of this Court their opinions in this case previous to the next term thereof said Clerk shall enter up Judgment herein in Conformity with said Opinions or any two of them Concurring as of the present Term of this Court which judgment when so entered shall have the same effect as if now entered, &c

Friday 28th May 1824 5th Day

George. H. Kennerly administrator of John Young decd
versus
The County Court of Madison County

The said George H Kennerly by his attorney comes and shews to the Court that the rule made at the last term of this Court has not been executed and thereupon on motion of said Kennerly It is Ordered that the County Court of Madison County shew cause at the next term of this Court why a Mandamus should not issue commanding them to reinstate the case of William Isam against George H Kennerly administrator of John Young deceased, and grant an appeal to the Circuit Court of Madison County —

Charles. T. Ramsey surviving Executor of James
Brady deceased appellant
50 versus
Charles. G. Ellis appellee

The said Charles G Ellis by his attorney came and on his motion it is ordered that the fees taxed for the attendance of John Mathen, John Hall and Andrew M. Ramsey witnesses in this case be taxed to the said Charles T Ramsey and that the said fees amounting to thirteen dollars and fifteen cents taxed to Charles G Ellis in a fee bill issued in this cause against him be remitted

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Memorandum — This Record Book contains twenty six pages of the Judgments and Orders of the Supreme Court beginning with Page two hundred and sixty eight and ending with Page two hundred and

Friday 28th May 1824 8th Day

Ninety Three of the Term of May in the year of our Lord one thousand eight hundred and twenty four

President of the
Supreme Court

Whereupon The Supreme Court adjourned
Sine die

Mathias McGirth President

Teste

Selin R. Garrett Clk

Monday 22nd November 1824 1st day

Record of the decrees judgments Orders and proceedings of the Supreme Court of the State of Missouri, held for the fourth Judicial District of said State, at the Town of Jackson in the County of Cape Girardeau, Of the Term of November in the year of our Lord one thousand eight hundred and twenty four and of the Independence of the United States of America the Forty ninth year ——

On Monday the first day of the Term and twenty second day of the month of November said Court was held as aforesaid, before
The Honorable Mathias McGirk Esquire
and The Honorable George Tompkins Esquire,
Judges of said Supreme Court

The following Judgments which were rendered in in vacation Viz^t Thomas W Graves and John Simpkins who are sued with Lewis Mansker now deceased Appellants versus The State of Missouri Appellee, John Simpkins and Thomas W Graves who are sued with Lewis Mansker now deceased appellants versus The State of Missouri Appellee, David Alden and William Crawcroft impleaded with Nathaniel Wreath Appellants versus The State of Missouri appellee, James Ravenscroft impleaded with James L Menifee and Jasper F Spiggs Appellants versus The State of Missouri appellee, and Thompson Crawford, James Crawford and Samuel Campbell plaintiffs versus The State of Missouri Defendant, are now here entered Nunc pro Tunc agreeably to the order of this Court made at the May Term eighteen hundred and twenty four ——

Monday November 22nd 1824 1st day

Thomas W Graves and John Simpkins who are sued with Louis Mansker now deceased appellants
Versus } Covenant in Error — 91
The State of Miſsouri Appellee.

The Court being now sufficiently advised of and concerning the premises, and the Record and proceedings aforesaid, and the Judgment given in form aforesaid being seen, and the matters for error assigned and joined being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had — It appears to the Court here that in the Record and proceedings aforesaid, and also in the rendition of the Judgment aforesaid, there is no error, Therefore it is considered by the Court that the Judgment aforesaid, be in all things affirmed, and stand in full force, the matters aforesaid for error assigned to the Contrary notwithstanding — and that the appellee here do recover of and from the appellants the Costs and Charges in this behalf expended and also the Costs and charges in the Circuit Court aforesaid expended, and that Execution thereby issue therefor &c

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John Simpkins and Thomas W Graves who are sued with Louis Mansker now deceased
appellants
Versus } Covenant in Error — 90
The State of Miſsouri appellee

And now the Court being sufficiently advised of and concerning the premises and the Record proceedings and Judgment

Monday 22nd November 1824. 1st day

aforesaid being seen, and the matters aforesaid for error assigned and joined being heard and argued, and by the Court here fully understood, and mature deliberation being thereupon had, It appears to the Court here, that there is no error, either in the Record proceedings or Judgment aforesaid, — Therefore It is Considered by the Court here, that the Judgment aforesaid in form aforesaid given, be in all things affirmed and stand in full force the matters aforesaid for error assigned to the Contrary notwithstanding — and that the appellee have and recover of and from the appellants as well the Costs and Charges in the Circuit Court aforesaid expended as also the Costs in this Court in this behalf Expended, and that Execution be duly issued therefor &c —

David Hilen and William Crecraft (impleaded with Nathaniel Creath) appellants
92 Versus } Covenant in error
The State of Missouri Appellee

The Court being now sufficiently advised of and Concerning the premises and having inspected the Record and proceedings aforesaid, and the Judgment given in form aforesaid being seen, and the matters for error assigned and joined, being heard and argued, and by the Court here fully understood, and mature deliberation being thereupon had, — It appears to the Court here that there is no error either in the Record proceedings or Judgment aforesaid, Therefore, It is Considered by the Court here that the Judgment aforesaid, in form aforesaid given, be in all things affirmed, and stand in full force, the matters aforesaid for error assigned notwithstanding — and that the appellee have and recover of and from the appellants as well the Costs and Charges in the Circuit Court aforesaid expended, as also the Costs and Charges in this Court in this behalf expended, and that Execution be duly issued therefor —

James Ravenscroft (impleaded with Jonas N. Menefee and Jenifer T. Sprigg Appellant
versus } Covenant in error — 93
The State of Missouri appellee

The Court being sufficiently advised of and concerning the premises and having inspected the Record and proceedings aforesaid, and the Judgment given in form aforesaid being seen, and the matters for error assigned and joined being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had — It appears to the Court now here, that in the Record and proceedings aforesaid, and also in the rendition of the Judgment aforesaid, There is no error, Therefore It is Considered by the Court here that the Judgment aforesaid, in form aforesaid given, be in all things affirmed, and stand in full force, the matters aforesaid for error assigned to the Contrary notwithstanding — and that the appellee have and recover of and from the appellant as well the Costs and Charges in the Circuit Court aforesaid, as also the Costs in this Court expended and that Execution be duly issued therefor &c

Monday November 22d 1824 1st day

Thompson Crawford, James Crawford and
Samuel Campbell Plaintiffs
81 versus } Covenant in Error
The State of Missouri Defendant

And now the Court being sufficiently advised of and examining the premises, and the Record proceedings and Judgment aforesaid, being seen, and the matters aforesaid for error assigned and joined being heard and argued and by the Court here fully understood, and mature deliberation being thereupon had It appears to the Court here that in the Record and proceedings aforesaid, and also in the rendition of the Judgment aforesaid, There is no error, Therefore It is considered by the Court here, that the Judgment aforesaid, in form aforesaid given, be in all things affirmed, and stand in full force, the matters aforesaid for error assigned notwithstanding — And that the defendant have and recover of and from the plaintiffs as well the Costs and charges in the Circuit Court aforesaid expended as also the Costs in this Court in this behalf expended - and that the defendant have Execution thereof —

Robert English
100 versus } debt in error
John Scott

The defendant by his attorney came, and moved the Court, on reasons filed, to strike out of the Transcript of the Record certified to this Court in the above Cause the following parts, to wit, The 1st bill of exceptions written on the sixth page of the same, the 2nd bill

Monday November 22nd 1824 1st day

of Exceptions Commencing on the same page and also the entry in this Cause which is on the Sixteenth and part of the seventeenth pages, which motion was sustained by the Court and the Clerk of this Court is Ordered to strike out the same and retax the Costs in the above Cause, and thereupon the said defendant suggests to the Court here, that the Transcript of the Record and proceedings Certified to this Court in this Cause, is defective, Whereupon it is Considered by the Court that a writ of Certiorari be awarded herein directed to Ralph Daugherty Clerk of the Circuit Court of Cape Girardeau County Commanding him to Certify to this Court a certain Judgment upon a demurrer, to a petition of discovery in the above Cause, as fully and Completely as the same remains of Record in said Circuit Court and to Certify the same to this Court instanter &c

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William Hickman appellant
versus } Debt in Error 96
William G Boyd assignee of Abraham
Smith appellee

The parties by their attornies came, and the Record and proceedings aforesaid and the Judgment in form aforesaid given, being seen, and the matters for error therein assigned being joined, are submitted to the Court who having Considered thereof will thereupon advise

Monday November 22nd 1824 1st day

Charles S Hempstead
36 versus } Debt in Error
Henry Dodge for the use of Michael Goza

The parties by their attornies came, and the Record and proceedings aforesaid and the Judgment given in form aforesaid, being seen, and the matters for error therein assigned, being joined, are submitted to the Court who having Considered of the same will thereupon advise —

James Evans appellant
78 versus } Appeal in Chancery
The State of Missouri Appellee

The parties by their attornies came and the Record and proceedings aforesaid and the Judgment in form aforesaid given being seen and the matters for error therein assigned being joined are submitted to the Court who having considered thereof, will thereupon advise —

James H Overstreet and Gabriel Overstreet late partners doing business under the stile and Firm of J. H & G Overstreet
65 versus } Debt in error
William Shannon

The parties by their attornies came, and thereupon it is Ordered that this cause be reargued at the next term of this Court to which Term this Cause is Continued &c —

Monday November 22nd 1824 1st day

The State of Missouri
versus
James Logan

99

The plaintiff by Geo W Davis the Circuit attorney came, and it appearing to the satisfaction of the Court that the writ of error in this case has not been returned thereupon on motion of the plaintiff this Cause is Continued until next Term —

Robert English appellant
versus
John Scott appellee

Debt in Error —

100

The parties by their attorneys came, and the Record and proceedings aforesaid the Judgment in form aforesaid given being seen, and the matters for error therein assigned being joined the Court will thereupon advise &c —

Whereupon the Supreme Court adjourned until tomorrow morning 10 O'Clock

Test.
J R Garrett Clk of Court

Tuesday November 23rd 1824. 2nd Day

On Tuesday the second day of the Term and twenty third day of November A D Eighteen hundred and twenty four — The Supreme Court met at Ten O'Clock in the morning pursuant to adjournment

Present

The Honorable Mathias McGirk Esquire
and The Honorable George Tompkins Esquire
Judges of said Supreme Court

James Evans appellant
98 versus } appeal in Chancery
The State of Missouri appellee

The parties by their solicitors came, and the Court now being sufficiently advised of and concerning the premises, and the Record and proceedings aforesaid, and the Judgment given in form aforesaid being seen, and the matters for error therein assigned and joined being heard and argued and by the Court now here fully understood and mature deliberation being thereupon had; It appears to the Court now here, that in the Record and proceedings aforesaid, and also in the rendition of the Judgment aforesaid, there is manifest Error, Therefore It is Considered by the Court That the Judgment aforesaid be reversed annulled and altogether held for nothing, that a new trial of this Cause be awarded; and the same remanded to the said Circuit Court together with the decision and determination of this Court, for proceedings there to be had in this Cause accordingly, — and that the appellant have and recover of and from the appellee the Costs and Charges in this behalf in this Court expended, Tuesday November 23rd 1824 2nd day

Charles S Hempstead
versus } Debt in Error 36
Henry Dodge for the use of Michael Goza

The parties by their attornies came, and the Court being now sufficiently advised of and concerning the premises, and the Record proceedings and Judgment aforesaid being seen, and the matters for error therein assigned and joined being heard and argued and by the Court now here fully understood, and mature deliberation being thereupon had, It appears to the Court now here, that in the Record and proceedings aforesaid and also in the rendition of the Judgment aforesaid There is Manifest error – Therefore It is Considered by the Court that the Judgment aforesaid, for the error aforesaid, be reversed, annulled and altogether held for nothing, that a new trial of this cause be awarded, and the same remanded to the said Circuit Court together with the decision and determination of this Court, for proceedings there to be had in this Cause accordingly – and that the plaintiff have and recover of and from the defendant his costs and charges in and about the prosecuting his writ of error in this behalf Expended and that he have Execution thereof &c

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William Hickman appellant
versus } Debt in Error 46
William G Byrd assignee of Abraham Smith appellee

The parties by their attornies, came and the Court being now sufficiently advised of and concerning the premises, and having inspected the Record and proceedings aforesaid, and the Judgment

Tuesday November 23rd 1824. 2nd day

given in form aforesaid being seen, and the matters for error therein assigned and joined, being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had, It appears to the Court now here, that in the Record and proceedings aforesaid, and also in the rendition of the Judgment aforesaid, there is manifest error, Therefore It is Considered by the Court, that the Judgment aforesaid be reversed, annulled and altogether held for nothing — that a new trial of this Cause be awarded and the same remanded to the said Circuit Court together with the decision and determination of this Court, for proceedings there to be had in this Cause accordingly, and that the appellant have and recover of and from the appellee his costs and charges in this behalf in this Court expended, and that he have execution thereof &c

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Robert English Appellant
100 versus } Debt in Error
John Scott Appellee

The parties by their attorneys came, and the Court being now sufficiently advised of and concerning the premises, and the Record proceedings and Judgment aforesaid being seen, and the matters for error therein assigned and joined being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had — It appears to the Court now here that in the Record and proceedings aforesaid, and also in the rendition of the Judgment aforesaid — there is no error, Therefore It is Considered by the Court here that the Judgment aforesaid, in form

Tuesday November 23rd 1824. 2nd day

aforesaid given, be in all things affirmed, and stand in full force, the matters aforesaid for error assigned Notwithstanding — and that the appellee have and recover of and from the appellant as well the costs and charges in the Circuit Court aforesaid, as also the costs in this Court in this behalf Expended and that he have Execution thereof &c

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Jacob Fenn Appellant
versus } Covenant in Error — 89
William Hickman, Appellee

The parties by their attornies came, and by their consent this cause is continued to next Term &c

Samuel Cupples and Theodore Jones
versus } Debt in Error — 97
William Wood and William Oliver assignees upon the Estate of Mann and Cupples

The parties by their attornies came, and the Record and proceedings aforesaid, and the judgment given in form aforesaid being seen, and the matters for error therein assigned being fairly heard and argued, the Court will thereupon advise

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Eli Shelby appellant
versus } appeal in Chancery — 101
James Ravenscroft appellee

The parties by their Solicitors came, and the Record and proceedings aforesaid, and the Decree entered in form aforesaid being seen, and the matters for error therein assigned being fairly, are submitted to the Court who having considered of the same will thereupon advise &c

Tuesday November 23rd 1824. 2nd Day

78 Richard H. Waters appellant
versus } Appeal in Chancery
Elizabeth Phillips administratrix and Thomas Phillips administrator of Samuel Phillips deceased appellees

The parties by their solicitors came, and It appearing to the satisfaction of the Court that the Certiorari issued in this Case has not been returned thereupon on motion of the appellees this Cause is continued to next Term &c

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102 James Ravenscroft
versus
The State of Missouri

The plaintiff by his attorney came, and moved the Court to award a supersedeas in this Case, and the Court not being sufficiently advised of and concerning the premises took time to consider of the same &c

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101 Eli Shelby appellant
versus } appeal in chancery
James Ravenscroft appellee

The appellant by his attorney came, and on his motion leave is given him to withdraw the assignment of errors herein, and thereupon the said appellant suggests to the Court here that the Transcript of the Record and proceedings certified to this Court in this cause is defective and imperfect, Whereupon It is considered by the Court that a writ of Certiorari be awarded herein directed to the Clerk of the Circuit Court of Cape Girardeau County, Commanding

Tuesday November 23rd. 1824. 2d day

him to Certify to this Court a true full and perfect Transcript in the plaint aforesaid as fully and completely as the same remains of Record in said Circuit Court and to Certify the same to this Court immediately which is now here accordingly done Whereupon the appellant assigns errors herein de novo in which the appellee joins &c —

Samuel Cupples and Theodore Jones
versus } debt in Error — 97
William Hood and William Oliver assignees
upon the Estate of Mann and Cupples

The Court being now sufficiently advised of and concerning the premises, and having inspected the Record and proceedings aforesaid and the Judgment given in form aforesaid being seen, and the matters for error therein assigned and joined, being heard and argued and by the Court now here fully understood and mature deliberation being thereupon had It appears to the Court now here, that in the Record and proceedings aforesaid, and also in the rendition of the Judgment aforesaid, there is no error. Therefore It is considered by the Court here, that the Judgment aforesaid, in form aforesaid given, be in all things affirmed, and stand in full force, the matters aforesaid for error assigned notwithstanding — and that the appellees have and recover of and from the appellants as well the Costs and charges in the Circuit Court aforesaid as also the Costs in this Court in this behalf Expended, and that they have Execution thereof &c —

Tuesday November 23rd 1824 2nd Day

James Ravenscroft
102 versus } motion
The State of Missouri

The plaintiff by his attorney came, and the Court being now sufficiently advised of and concerning the motion heretofore made for a Supersedeas in this Case, are of Opinion that the same be Overruled. &c

Eli Shelby appellant
101 against } appeal in Chancery
James Ravenscroft appellee

The parties by their Solicitors came, and the Court not yet being sufficiently advised of and concerning the premises, take further time, until the next Term of this Court to consider of the same, to which Time this Cause is continued &c

Memorandum — This Record Book contains fifteen pages of the Orders Judgments and proceedings of the Supreme Court Term of November in the year of our Lord one thousand eight hundred and Twenty four Commencing with page Two hundred and ninety four and ending with page Three hundred and eight &c

Whereupon the Supreme Court adjourned Sine Die —

Matthias McGirk President of the
Supreme Court

Record and Entry of the decrees Orders Judgments and proceedings of the Supreme Court of the State of Missouri held for the Fourth Judicial District thereof at the Town of Jackson in the County of Cape Girardeau of the Term of May in the year of our Lord One Thousand eight hundred and Twenty five and of the Independence of the United States 49th.

On Monday the 1st day of the Term and 23rd day of the Month the said Supreme Court being opened and held as before named

Before the Honorable Mathias McGirk Esquire
The Honble Rufus Pettibone Esquire
and The Honble George Tompkins Esquire
Judges of said Court.

49

The State of Missouri
versus
James Logan

The parties by their attornies came and the Record and proceedings aforesaid and the Judgment entered in form aforesaid being seen, and the matters for error therein assigned being joined heard and argued; The Court will thereupon advise!

101 Eli Shelby appellant
versus } In Chancery
James Ravenscroft appellee

The parties by their attornies came and the Record and proceedings aforesaid being seen, and the matters for error therein assigned being joined and heard are now here submitted to the Court with all things thereunto appertaining: and the Court having considered of the premises will thereupon advise:

89. Parish Green appellant
versus } in Chancery
William Hickman appellee

The appellant comes and permits this appeal to be dismissed, Whereupon It is considered by the Court that the appellee have and Recover of and from the appellant his Costs and Charges in this behalf expended and that he have Execution &c.

Robert McCoy appellant } in Chancery
against
Matteo Pogliolo Heir and Adminisr. of Eleanor Pogliolo deceased appellee

This day came the parties by their Solicitors and the appellant Robert McCoy moved

The Court to dismiss this appeal and this motion is heard and arguments both on the part of the appellant and appellee are adduced: and the Court keep this motion under advisement:

William Strong admr. of John Strong deceased
Versus
Joseph A. Hopkins
in Chancery

The parties by Their Solicitors came and the Record and Proceedings aforesaid and the decree entered in form aforesaid being seen, and the matters for error therein assigned being fairly heard and argued The Court Will thereupon advise

Whereupon The ~~Circuit~~ Supreme Court adjourned until Nine O'clock to morrow Morning:

Teste
Peter R. Garrett
Clk of the S. C.
Missi. Mi. T.

Tuesday May 24th 1825 2nd day

On Tuesday the second day of the term and twenty fourth day of May Anno Domini eighteen hundred and twenty five The Supreme Court met at Nine O'Clock in the morning pursuant to adjournment

Present
The Honorable Mathias McGirk Esqr.
The Honorable Rufus Pettibone Esquire
The Honorable George Tompkins Esquire
Judges of said Supreme Court

James H Overstreet and Gabriel ~~late~~ Overstreet late
partners doing business under the
Stile and firm of J H & G. Overstreet
65 versus
William Shannon } Debt in Error

The parties by their attornies came, and the Court being now sufficiently advised of and concerning the premises and having inspected the Record and proceedings aforesaid and the Judgment given in form aforesaid being seen, and the matters for error therein assigned and joined being heard and argued and by the Court now here fully understood and mature deliberation being thereupon had It appears to the Court now here that in the Record and proceedings and also in the rendition of the Judgment aforesaid, there is No Error — Therefore It is Considered by the Court here that the Judgment aforesaid, in form aforesaid given, be in all things affirmed, and stand in full force, the matters aforesaid for error assigned notwithstanding, and that the defendant have and recover of and from the plaintiffs his costs and charges in and about his defence in this behalf

Tuesday May 24th 1825 - 2nd day

suspended, and that he have Execution thereof

William Strong administrator of
John Strong deceased
versus } Chancery
Joseph A Hopkins

The parties by their attornies came and the Record and proceedings aforesaid Court being now sufficiently advised of and concerning the premises and having inspected the Record and proceedings aforesaid, and the Decree entered in form aforesaid being seen and the matters for error assigned and joined being heard and argued, and mature deliberation being thereupon had, and the same being by the Court now here fully understood, It appears to the Court here 104 that in the Record and proceedings aforesaid and also in entering the Decree aforesaid, there is manifest Error, Therefore, It is Considered by the Court that the Decree aforesaid be in all things Reversed, annulled and altogether held for nothing, that the Original bill herein in the Court below be dismissed and that the plaintiffs have and recover of and from the defendant his costs and charges in and about the prosecuting his writ of Error in this behalf Expended and that he have Execution thereof &c

The State of Missouri
versus 99
James Logan

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises and having inspected the Record and proceedings aforesaid

Tuesday May 24th 1825 .. 2d day

and the Judgment given in form aforesaid being seen, and the matters for error therein assigned and joined being heard and argued and by the Court now here fully understood, and mature deliberation being thereupon had, It 99 appears to the Court here, that in the Record and proceedings aforesaid and also in the rendition of the Judgment aforesaid, There is Manifest Error, Therefore It is considered by the Court that the Judgment aforesaid be reversed annulled and altogether held for nothing, that a new trial of this Cause be awarded and, and the same remanded to the said Circuit Court together with the decision and determination of this Court for proceedings there to be had in this Cause accordingly and that the plaintiff have and recover of and from the defendant the the Costs and charges in this behalf expended and that Execution be duly issued therefor

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Robert McCoy appellant
106 versus
Mathew Bogliolo heir at Law and
admr of Etienne Bogliolo deceased appellees

The parties by their solicitors came and the Court being now sufficiently advised of and concerning the motion heretofore made to dismiss the appeal in this Case do consider order and decree that said motion be sustained, the appeal in this Case dismissed and the Cause remanded to the Circuit Court from whence it came for proceedings there to be had accordingly, And it is further Considered

Tuesday May 24th 1825 - 2d day

by the Court that the appellee have and recover of
and from the appellant his costs and charges 106
in and about his defence in this behalf expended and that he have Execution thereof.

Richard H Waters appellant 78
versus } appeal in Chancery
Elizabeth Phillips admx and Thomas
Phillips adm of Samuel Phillips deceased appellees

The parties by their solicitors came, and the appellees moved the Court to dismiss the the appeal in this Case, on reasons filed, and the Court not being sufficiently advised of and Concerning the premises took time to Consider of the same

Alexander R Buckner 105
versus } debt in Error
David S. H Armain

The parties by their attornies came and the Record and proceedings aforesaid and the Judgment entered in form aforesaid being seen and the matters for error therein assigned being joined and heard, are now here submitted to the Court and the Court having considered of the premises will thereupon advise

James Ravenscroft
versus } Covenant in Error
The State of Missouri

The parties by their attornies came and the Record and proceedings aforesaid and the Judgment entered in form aforesaid being seen

Tuesday May 24th 1825. 2d day

and the matters for error therein assigned being joined heard and argued, The Court will thereupon advise

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Alexander McNair Governor of the State of Missouri for the use of William P Spear admr of Sarah Thompson deceased
103 versus
John Thompson, James Thompson and William Neely

The parties by their attornies came and by their Consent this Cause is Continued to next Term

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Richard H Waters appellant
78 versus } appeal in Chancery
Elizabeth Phillips admx and Thomas Phillips admr of Samuel Phillips decd appellees

It is Considered, Ordered and decreed by the Court that the answer of the appellant filed herein by the order of this Court be stricken out, and thereupon on motion of the appellant he is permitted to withdraw said answer, and it is further Ordered and decreed by the Court that this Cause be remanded to the Circuit Court of New Madrid County for proceedings there to be had in this Cause accordingly, and that the appellees have and recover of and from the appellant their Costs and charges in this behalf Expended and that they have Execution thereof &c

as well the Costs and Charges in the Circuit Court aforesaid and also the Costs in this Court expended and that Execution be duly issued thereupon &c.

It appearing to the satisfaction of this Court that William M. Newberry Esqr after having been duly examined by Messieurs John Scott Horatio Cozens and Nathaniel W. Watkins in the presence of the honorable George Tompkins one of the Judges of this Court has Manifested to have full and ample qualifications and to be possessed of sufficient legal knowledge to entitle him to be admitted as an attorney and Counsellor at law in any of the Courts of Record in this State and now here comes and presents a License duly and Regularly signed by the Judges of this Court. Whereupon The said William M Newberry is now here admitted as an attorney and Counsellor at law in any of the Courts of Record in This State and now here in presence of this Court is qualified in due form of law as well to demean himself faithfully and to do and perform all manner of things which may be required of him in the Capacity of attorney and Counsellor at law as also to Support the Constitutions of the United States of America and of the State of Missouri: and let the said William M Newberry be enrolled as an attorney and Counsellor at law as aforesaid.

Robert McCoy Appellant.
against
Mattieu Bogliolo Heir and
Administrator of Etienne
Bogliolo deceased.

Appeal in
Chancery.

The parties by their Solicitors come and on motion of the appellant It is Ordered that the decree herein entered on Yesterday be rescinded annulled and vacated so far as it goes to render Judgment against the appellant McCoy for the Costs: This Court are now of the opinion that each party do pay ~~an equal proportion of the~~ their own Costs incurred in this behalf:

Therefore let Judgment be so entered: and let an execution go against the appellant McCoy for ~~an equal half~~ his part of the Costs herein expended and also an execution against the appellee Bogliolo in his Character of ~~Exectr~~ administra as aforesaid. to be levied on and made of the Goods and Chattels remaining in the hands of the said [illegible] Mattieu Bogliolo administrator as aforesaid unadministered upon. for the remaining half of the Costs herein expended But this Court enter Judgment only for the Costs incurred and expended in the Supreme Court. and not in the Circuit Court —

Memorandum, the words "their own" in the eighth line of this entry and the words "his part" in the Eleventh line from the Top of this entry interlined before signed
M McGirk president

Eli Shelby Appellant }
Versus } in Chancery
James Ravenscroft ~~Appellee~~

The parties by their Solicitors came and the Record and proceedings aforesaid and the decree entered in Form aforesaid being Seen and the matters for error therein assigned being Joined heard and argued as well on the part of the appellant and also of the appellee

This Court now here ~~in~~ proceed to pronounce Judgment as follows.

They cannot see for whom Judgment should be rendered in this Cause: The Circuit Court gave a decree on the ground that it made no difference when Reese Shelby died: We think it might be very material whether he died before 1807. or not. The Court leaves that matter undetermined: The Cause must be remanded to the Circuit Court with directions for that Court to empannel a Jury: To ascertain the time when Reese Shelby died: and also to enquire how much Ravenscroft gave to the heirs whose claims he purchased and that the same be again certified to this Court for its final & further determination:

Alexander Buckner ~~appellant~~
Versus
David and Solomon H Armour

The parties by their attornies came and the Record and proceedings aforesaid and the Judgment rendered in form aforesaid
being seen and the matters for error assigned in and joined being heard and argued and by the Court now here fully understood: and mature deliberation being thereupon had, It appears to the court here that there is no error either in the record proceedings or Judgment aforesaid: Therefore It is Considered by the Court now here, That the Judgment aforesaid in form aforesaid given be in all things affirmed and stand in full force, the matters aforesaid for error assigned notwithstanding: and that the defendants have and recover of and from the plaintiff as well their Costs and charges in the Circuit Court aforesaid as also their Costs in this Court expended. and that they have Execution thereof

And thereupon the Supreme Court adjourned Sine die

Teste
Peter R Garrett Clk
S C I T D M U S A

This Record Book Contains Fourteen Pages of the Orders Judgments and proceedings of the Supreme Court of the Term of May Anno Domini One Thousand eight hundred and Twenty two And of American Independence the 49th Commencing at Page Three hundred and eight and ending at page Three hundred and Twenty Two:

Mathias McGirk Presdt Supm Court of Missouri

Test Peter R Garrett
Clk S C 4 J D Mo U S A

Monday November 28th 1825. 1st day.

Record of the Decrees Judgments Orders and proceedings of the Supreme Court of the State of Missouri, held for the fourth Judicial District of said State, at the Town of Jackson in the County of Cape Girardeau, of the Term of November in the year of our Lord one thousand eight hundred and Twenty five, and of the Independence of the United States of America the fiftieth year:

On Monday the First day of the Term and Twenty eighth day of the month of November, the said Supreme Court was held as aforesaid:

Before
The Honorable Mathias McGirk
The Honorable George Tompkins
and The Honorable Robert Wash
Judges of the Supreme Court aforesaid

This day came John Juden Junior, who hath been appointed Deputy Clerk of this Court in vacation, and said appointment is now here approved of by the Court.

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113 Mingo otherwise called Mingo Bird a colored man
versus
The State of Missouri
} Indictment in Error.

The parties by their attorneys come and the plaintiff file an assignment of Errors herein; to which Errors the defendant rejoins &c.

Monday November 28th 1825. 1st day

Alexander McNair Governor of the State of Missouri for the use of William P. Spears Administrator of Sarah Thompson deceased versus John Thompson James Thompson and William Neely	Covenant in Error	103

The parties by their attornies came, and the Record and proceedings aforesaid and the Judgment given in form aforesaid being seen; and the matters for Error therein assigned having been heretofore Joined, are now here submitted to the Court, who, when they shall have considered of the same, will thereupon advise &c.

The President Directors and Company of the Bank of Missouri versus John Scott.	Assumpsit in Error	109

The defendant by his attorney came

Monday November 28th 1825 1st day

109 and filed his affidavit suggesting to the Court here that the record herein is defective and diminished in certain particulars, To wit:

The plea and demurrer thereto on which the Judgment of the Court was given is wanting in the Transcript of the record:

The pleas on which issues were joined and which issues were submitted to the Court, and on which Judgment has been entered are wanting in the Transcript of the record:

Whereupon on motion of Beverley Allen Esq attorney for said defendant it is Ordered that a writ of Certiorari be awarded to the Clerk of the Circuit Court of the County of Ste Genevieve, returnable to the next May term of this Court, commanding him to certify the proceedings in which the above is defective: The plaintiffs file their assignment of Errors herein:

110 John Davis and James Campbell
versus
John Delap } In Error.

The parties by their attornies came

Monday November 28th 1825 - 1st day

and the defendant moved the Court to quash the writ of error herein, upon certain reasons here filed, and which reasons being heard and argued, are deemed sufficient, the said writ is quashed, and it is considered by the Court that the defendant have and recover of and from the plaintiffs his Costs in this behalf expended, and that he have execution thereof: &c. 110.

On motion of the plaintiffs leave is granted them to withdraw the Transcript of the Record filed herein &c. which is done &c

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Claiborne T. Thomas William Creath and Richard T. Thomas } Covenant in Error. 111.
versus
Lyne Starling

The parties by their attornies came and the Record and proceedings aforesaid, and the Judgment given in form aforesaid being seen, and the matters for error therein assigned being joined

Monday November 28th 1825. 1st day

111. heard and argued, are submitted to the Court who when they shall have considered of the same will thereupon advise &c

112 James Evans. Appellant } In Chancery
versus
The State of Missouri appellee

The parties by Their Solicitors came and the appellant files his certain assignment of errors herein, to which errors the appellee now here Rejoins &c.

The appellee then moved the Court to dismiss the appeal herein on certain reasons now here filed: When the Court shall have considered of this motion, and the reasons adduced in support of it, they will thereupon advise

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And Thereupon the said Supreme Court adjourned untill Ten O'Clock To-morrow Morning

Test:

Tuesday November 29th 1825. 2nd day

On Tuesday the second day of the term and twenty ninth day of November Eighteen hundred and twenty five the Supreme Court met at ten O'clock pursuant to adjournment. Present.

The Honorable Mathias McGirk
The Honorable George Tompkins
The Honorable Robert Wash
Judges of said Court.

Asahel Smith Esquire having made known to the Court, his wish to be admitted to ~~practice~~ to practice as an Attorney and Counsellor at law in any Court of Record in this State, Whereupon Gustavus A Bird and Johnson Ranney Esquires here consenting are appointed to examine the said Asahel Smith touching his qualifications in the presence of one of the Judges of this Court and to ascertain whether the said Smith is amply qualified, to entitled him to be admitted as an attorney and Counsellor at law.

Tuesday November 29th 1825. 2nd day.

108 William Orr
versus } in Error
Rosete Huston Administratrix of Samuel Huston deceased who was assignee of Lewis Barber

The parties by their attornies came, and the record and proceedings aforesaid, and the Judgment given in form aforesaid being seen, and the matters for error therein assigned being Joined, heard and argued, the Court will thereupon advise &c.

Mingo otherwise called Mingo Bird.
a coloured man
versus } Indictment in Error
State of Missouri

The parties by their attornies came, and the Record and proceedings aforesaid and the Judgment given in form aforesaid, being seen; and the matters for error therein assigned having been heretofore joined, and heard and argued, the Court will thereupon advise &c.

Tuesday November 29th 1825   2nd day

William Hood and William Oliver assignees &c. } 107
versus } in Error
John Cross and William Gatner bail &c

The Parties by their attornies came and the defendants moved the Court to dismiss this cause on reasons filed, which being heard and argued the same is overruled. And the Record and proceedings aforesaid and the Judgment given in form aforesaid being seen, and the matters for Error therein assigned being joined, heard and argued the Court will thereupon advise &c.

Betsey Trotter heir at Law &c
versus } appeal in Chancery.
James Ducale and Polly his wife, John Winchester and others heirs of William Winchester &c.

The defendants by their attorney came, and moved the Court to quash the Execution issued in this cause, for certain reasons filed.

Thereupon said Supreme Court adjourned to 10 O'Clock tomorrow morning.

Wednesday November 30th 1825. 3rd day

On Wednesday the third day of the term and thirtieth day of November A D 1825 the Supreme Court met at 10 o'clock, pursuant to adjournment; Present

The Honorable Mathias McGirk
The Honorable George Tompkins
The Honorable Robert Wash
Judges of said Court.

103. Alexander McNair Governor of the State of Missouri for the use of William P. Spear administrator of Sarah Thompson deceased

versus } Covenant in Error.

John Thompson, James Thompson and William Neely

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises and having inspected the record and proceedings aforesaid and the Judgment given in form aforesaid being seen and the matters for error therein assigned and joined, being heard and argued and by the Court now here fully understood and mature deliberation being thereupon had, it appears to the Court that in the Record and proceedings aforesaid and also in the rendition of the Judgment aforesaid there is no error, Therefore it is considered by the Court that the Judgment aforesaid, be in all things affirmed and stand in full force, the matters for error aforesaid notwithstanding, and that the defendants have and recover of and from the plaintiffs the costs and charges in this behalf expended, and that they have Execution thereof &c

William Hood and William Oliver assignees &c
versus } in Error
John Cross and William Garner, bail &c

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises, and having inspected the Record and proceedings aforesaid and the Judgment given in form aforesaid being seen and the matters for error therein assigned and joined, being heard and argued, and by the Court now here fully understood and mature deliberation being thereupon had, It appears to the Court that in the Record and proceedings

Wednesday 30th November 1825. ... 3rd day

aforesaid, and also in the rendition of the Judgment aforesaid there is no error, Therefore it is considered by the Court, that the Judgment aforesaid, be in all things affirmed and stand in full force, the matters for error assigned notwithstanding, and that the defendants have and recover of and from said plaintiffs the Costs and charges in this behalf expended, and that they have Execution thereof &c.

108. William Orr
versus } ... Error
Rosek Huston administratrix of Samuel Huston deceased, who was assignee of Lewis Barbee

The parties by their attornies came, and the Court being now sufficiently advised of and concerning the premises, and having inspected the Record and proceedings aforesaid, and the Judgment given in form aforesaid being seen and the matters for error therein assigned and joined being heard and argued and by the Court now here fully understood, and mature

Wednesday 30th November 1820 . . 3rd day

deliberation being thereupon had, it appears to the Court that in the Record and proceedings aforesaid and also in the rendition of the Judgment aforesaid there is no error; Therefore it is considered by the Court that the Judgment aforesaid be in all things affirmed and stand in full force, the matters for Error assigned Notwithstanding, and that the defendant have and recover of and from the plaintiff two dollars & twenty seven cents, for damages, being 10 percent on the amount of the Judgment at Law, and also the Costs and charges in this behalf expended, and that Execution issue therefor &c, It appearing that the Clerk has taxed in this case, three captions, one caption being sufficient, it is ordered that the Clerk of this Court is ordered to tax the Costs for one Caption only, and also not to be allowed for transcript of the bond sent up.

Claiborne S Thomas, William Orrath and Richard S Thomas — versus — } Covenant in Error 111
Lyne Starling }

The Parties by their attornies came, and the Court being now sufficiently advised of and concerning the premises, and having inspected the Record and proceedings aforesaid and the Judgment given in form aforesaid being seen and the matters for error therein assigned and joined being heard and argued and by the Court now here fully understood and mature deliberation

Wednesday 30th November 1825 — 3rd day.

being thereupon had, It appears to the Court, that in the Record and proceedings aforesaid and also in the rendition of the Judgment aforesaid there is Manifest error; Therefore it is considered by the Court that the Judgment aforesaid be reversed annulled and altogether held for nothing, that a new trial of this cause be awarded, and the same remanded to the said Circuit Court together with the decision and determination of this Court for proceedings there to be had in this cause accordingly and that the plaintiffs have and recover of and from the defendant the Costs in this behalf expended and that they have execution thereof &c.

117 Mingo otherwise called Mingo Bird, a coloured man
versus } Indictment, in Error.
State of Missouri }

The parties by their attornies came and the Court being now sufficiently advised of and concerning the premises and having inspected the record and proceedings aforesaid and the Judgment given in form aforesaid being seen and the matters for error therein assigned and joined being heard and argued and by the Court now here fully understood and mature deliberation being thereupon had, It appears to the Court that in the record and proceedings aforesaid and also in the rendition of the Judgment there is manifest error; Therefore it is considered by the Court that the Judgment aforesaid be reversed, annulled and altogether held for nothing, that a new trial of this cause be awarded and the same remanded to the said Circuit Court together with the decision and determination of this Court for proceedings there to be had accordingly; and it is further considered, ordered and adjudged that the State pay the costs and charges in and about the prosecuting this writ of Error; and the costs in the Circuit Court to await the issue of the new trial herein awarded. and the said Mingo to remain in the custody of the sheriff until he enters into recognizance to appear at the next term of the Madison County Circuit Court, to answer to the Indictment or be otherwise discharged, according to law.

James Evans, appellant
versus } appeal in Chancery.
The State of Missouri appellee

The parties by their solicitors came, and the Court being now sufficiently advised

Wednesday 30th November 1825 — 3rd day

of and concerning the motion heretofore made to dismiss the appeal in this case, do consider, order and decree, that said Motion be sustained, and the appeal in this case dismissed and that the appellee have and recover of and from said appellant the costs in this behalf expended &c.

It appearing to the satisfaction of this Court that Asahel Smith Esquire after having been duly examined by Gustavus A Bird and Johnson Ranney Esquires in the presence of One of the Judges of this Court, to have full and ample qualifications, to entitle him to be admitted as an Attorney and Counsellor at law, in any of the Courts in this State, now here comes and presents a License duly and regularly signed by the Judges of this Court; whereupon said Asahel Smith is now admitted as an attorney and Counsellor at Law, in any of the Courts of Record in this State, and the said Smith is now here qualified in due form of Law,

Betsy Trotter heir at Law &c
versus
James Ducate and Polly his wife
and others.

The parties by their attornies came, and the Court being advised of and concerning the ~~[illegible]~~ motion heretofore made, do consider, order and decree that the Clerk of the Circuit Court of the County of New Madrid, do refund and pay back to the defendants three dollars, twelve cents and five mills the same being the amount improperly charged for searching, in the Record sent up to this Court.

The Sheriff of Cape Girardeau County came and presented an account for attendance upon this Court and for Stationary furnished at the present term, which account has been audited and adjusted and found to be correct, amounting to Eight dollars thirty seven and a half cents, the Clerk of this Court is Ordered to Certify the same to the Auditor of Public accounts.

The Clerk of this Supreme Court presented an account for rent of house for the use of his office since 8 february last to this time amounting to twenty four dollars which has been adjusted and allowed by this Court: it is Ordered that the same be certified to the Auditor of Public Accounts —

The Court has audited the account of the Clerk of this Courts in taxes received for the use of the State. and found to be correct amounting to thirty four dollars.

And thereupon the Supreme Court, adjourned Sine die.

This Record Book contains ~~eight~~ Sixteen pages of the Orders, Judgments and proceedings of the Supreme Court of the term of November 1825. Commencing at page 323 and ending at page 339.

Mathias McGirk President

MONDAY 22nd MAY 1826. 1st DAY.

Record of the Decrees, Judgments, Orders and Proceedings, of the Supreme Court of the State of Missouri, held for the Fourth Judicial District of said State, at the Town of Jackson, in the County of Cape Girardeau, Of the Term of May, in the year of our Lord One thousand eight hundred and twenty Six and of the State of Missouri **VI.**

On Monday the first day of the Term, and Twenty Second day of the Month of May, in the Year aforesaid, none of the Judges of the said Supreme Court attending, the said Supreme Court, Stands adjourned, untill nine O'Clock to morrow morning, pursuant to law.
Test
Claiborne S. Thomas, D. Clk

Tuesday May 23rd 1826. 2nd Day

On Tuesday the 2nd Day of the Term and 23rd day of May, in the year of our Lord 1826, and of the State of Missouri **VI**, none of the Judges of the said Supreme Court attending, the said Supreme Court stands adjourned, untill nine O'Clock to morrow morning, pursuant to law.
Test Claiborne S. Thomas, D. Clk.

Wednesday May 24th 1826. 3rd day.

On Wednesday the 3rd day of the Term and 24th day of May in the year of our Lord 1826, and of the State of Missouri **VI**, none of the Judges of the said Supreme Court attending, The said Supreme Court stands adjourned, untill the next Term thereof The Fourth Monday in November next.

Wednesday May 24th 1826. 3rd day

To which time the next succeeding Term thereof all Causes suits and process, now depending in said Supreme Court shall be and do stand Continued by virtue of an act of the General Assembly of the State of Missouri in such Case passed And provided.

Test
A. S. Thomas
A. Clk

Monday November 27th 1826. 1st DAY.

Record of the decrees Judgments Orders and proceedings of the Supreme Court Of the State of Miſsouri, held for the fourth Judicial District of said State, at the Town of Jackson in the County of Cape Girardeau of the Term of November in the year of Our Lord One thousand eight hundred and twenty six, Of the Independence of the United States of America LI, and of the State of Miſsouri, VII.

On Monday the first day of the Term, and Twenty seventh day of the month of November in the year aforesaid, the said Supreme Court was held before

The Honorable Mathias McGirk,
The Honorable George Tompkins and
The Honorable Robert Wash,
Judges of said Supreme Court.

John Hendricks Esquire came and presented his Commiſsion as Sheriff of the County of Cape Girardeau, and it appearing to the satisfaction of the Court that the said John Hendricks has been duly qualified according to Law, he is thereupon recognized by this Court as Sheriff of the County of Cape Girardeau aforesaid.

The President Directors and Company Of the Bank of Miſsouri 169
versus } Aſsumpsit in Error
John Scott

The parties by their attornies came, and the Record and proceedings aforesaid, and the Judgment given in form aforesaid, being seen, and the matters for

Monday November 27th 1826 **1st DAY.**

109 Error assigned therein, being Joined, heard and argued the Court will thereupon advise &c

114 John Davis
versus
John Delap
} In Error.

The Parties by their attornies came, whereupon Greer W. Davis Esquire, of counsel for the plaintiff in Error, suggests, that before this day, the said John Davis Plaintiff in Error died, and this is not denied &c and thereupon this Cause is Continued to next Term.

121 Richard Murphy Dubart Murphy, Isaac Murphy, Jesse Murphy, William Finley, John Keith and Mary his wife.
versus
David Murphy and William Evans
} In Error.

Richard Murphy one of said Plaintiffs in Error, by Johnson Ranney Esquire, his attorney, comes and moves the Court, for a writ Of summons to be directed to the Rest of the Plaintiffs in Error, in this Case, to appear and Join in assigning Errors, Or to be severed, And the said Richard Murphy allowed to proceed alone in this Suit: which motion was kept under advisement by the Court:

And the said defendants in Error, by Timothy Davis Esquire, their attorney come and move the Court to dismiss the Writ of Error herein, for Certain Reasons specified in their said motion reduced to Writing and here filed:

which motion is likewise kept under advisement by the Court.

Monday November 27th 1826. **1st DAY**

Eli Shelby, appellant
Versus
James Ravenscroft, appellee } appeal in Chancery

101.

The parties by their Solicitors came, and the appellant by Alexander Buckner Esquire one of his Solicitors, moved the Court to set aside the filing of the Record, certified to this Court from the Cape Girardeau Circuit Court and containing a Transcript of the proceedings in this Cause in said Circuit Court, since the same was remanded by this Court to the said Circuit Court, for the Trial of Certain issues of fact; for certain Reasons specified in his said motion reduced to writing, and here filed; and the said motion being heard and argued is kept under advisement by the Court.

And thereupon the said Supreme Court adjourned untill nine O'Clock To morrow morning.

Test. Claiborne S. Thomas,
Depty Clerk

Tuesday November 28th 1826. 2nd DAY.

On Tuesday the second day of the Term, and twenty eighth day of the month Of November in the year of our Lord one thousand eight hundred and twenty six, The said Supreme Court met at nine O'Clock in the morning pursuant to adjournment

Present The Honorable Mathias McGirk
The Honorable George Tompkins, and
The Honorable Robert Wash
Judges Of said Supreme Court.

This day personally appeared in Open Court, Medad Randol and Thankful his wife formerly Thankful Stout, Elijah Randol and Penelope his wife formerly Penelope Stout, Isaac Sheppard and Polly his wife formerly Polly Stout and Sally Stout (children heirs And legal Devisees of Daniel Stout and Elizabeth his wife decd. and Grand children of James Anderson deceased,) all of the State of Missouri and severally acknowledged their Certain power of attorney duly executed to James P. Edwards, constituting And appointing the said James P. Edwards their true And lawful attorney, and on their parts to do and transact in their behalf certain duties hereinafter mentioned: Whereas James Anderson of Virginia Grand father Of the said Grantors, died entitled to a large Estate in lands and possessed of personal property lying and being in the State Of Virginia And elsewhere: And the said Grantors being heirs And Devisees of the said James Anderson deceased, do Authorise And fully empower their said Attorney to use all legal means necessary for the purpose Of gaining the possession Of the Estate Of the said James Anderson deceased; for their use and benefit: And empower their said attorney to institute All Necessary suits in law and Equity for the full completion of the power hereby delegated to him, and the said Grantors do further authorise their said attorney when he may obtain possession of any property either real or personal belonging to the Estate of the said James Anderson deceased, to sell And dispose Of the same for their use and benefit making such deeds and transfers as the law in such Case may require; And the said Grantors further empower their said Attorney for the purpose Of Carrying into effect this power to Make And Constitute One or more attornies under him, ratifying And Confirming whatsoever their said Attorney may lawfully do in the premises; A certificate Of which acknowledgment under the Seal Of this Court The Clerk is Ordered to endorse upon said power Of attorney Accordingly.

John Hendricks Esquire Sheriff of the County of Cape Girardeau came and presented a certain deputation of William G. Byrd as deputy Sheriff of said County, and it appearing that the said William G. Byrd has been duly qualified according to law he is thereupon Recognized by this Court as Deputy Sheriff as aforesaid:

John McLane } 114
versus } Slander in Error
John Harris }

The parties by their Attornies came, and the defendant by Johnson Ranney Esquire his attorney moved that the plaintiff be ruled to file a bond with security for the Costs of this Suit, which motion was sustained, and a certain bond filed for the Costs Of this suit, which was approved of: and thereupon the Record and proceedings aforesaid, and the Judgment Given

Tuesday November 28th 1826. 2nd DAY

114 in form aforesaid being seen, and the matters for Error assigned therein being Joined heard and argued the Court will thereupon advise &c

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112 Catharine Bolduc, Edmund LeMeilleur, Mary LeMeilleur and Etienne LeMeilleur the three last Infants by Joseph D. Grafton Guardian Of said infants appellants.
Versus } appeal in Chancery
Gustavus A. Bird, appellee

The parties by their Solicitors came and the Record and proceedings aforesaid, and the decree entered in form aforesaid being seen, And the matters for error assigned therein, being Joined heard and argued, the Court will thereupon advise &c

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113 John Risher, appellant
versus } appeal in Chancery
George Roush, appellee

The parties by their Solicitors came, And the Record And proceedings aforesaid, And the decree entered in form aforesaid being seen, And the Matters for Error assigned therein, being Joined heard and argued the Court Will thereupon advise &c.

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117 James Evans Appellant
versus } appeal in Chancery
The State Of Missouri Appellee

The parties by their Solicitors came, And the Record And proceedings aforesaid, And the decree entered in form aforesaid being seen, And the matters for Error assigned therein, being Joined heard and argued The Court Will thereupon advise &c

Tuesday November 28th 1826. 3rd DAY

Lyne Starling versus Claiborne S. Thomas William Creach And Richard S. Thomas — In Error. 115

The parties by their Attornies Came And the Record And proceedings aforesaid, And the Judgment Given in form aforesaid being seen, And the matters for Error assigned therein being Joined heard And argued the Court Will thereupon advise &c.

James Evans versus John Hays late Sheriff of the County Of Cape Girardeau — Case in Error. 116.

The parties by their attornies Came And the Record And Proceedings aforesaid, and the Judgment Given in form aforesaid being seen, And the Matters for Error assigned therein being Joined heard And Argued the Court Will thereupon advise &c

Elijah Bettis versus James Logan — Case in Error. 118

The parties by their Attornies Came And the Record And proceedings Aforesaid, And the Judgment Given in form aforesaid being seen, And the Matters for Error therein Assigned being Joined heard And Argued the Court Will thereupon advise &c

And then the said Supreme Court adjourned untill Nine O'Clock to morrow morning.

Test
Claiborne S. Thomas
Deputy Clerk

of Missouri. For the Fourth Judicial District.

Wednesday November 29th 1826. 3rd DAY

On Wednesday the 3rd day Of the Term And 29th day Of November in the Year 1826, The Supreme Court Met at Nine OClock in the morning pursuant to Adjournment.

Present The Honorable Mathias McGirk,
The Honorable George Tompkins, and
The Honorable Robert Wash,
Judges Of said Supreme Court.

This day came Henry Sanford, who has been Appointed Deputy Clerk Of this Court in Vacation, And said Appointment is approved Of by the Court.

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120 John Carder appellant
versus } appeal
John Forehand appellee

The parties by their attornies Came and the Record and proceedings aforesaid being seen, and the matters for Error therein assigned being Joined heard And argued the Court Will thereupon advise &c

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121 Richard Murphy, Dubart Murphy, Isaac Murphy
Jesse Murphy, William Gentry, John Keith
and Mary his wife } In Error.
Versus
David Murphy and William Evans

The Court being now sufficiently advised of and concerning the motion of Timothy Davis Esquire attorney for the defendants to dismiss the Writ Of Error herein Overrule the same. And thereupon, on motion of Johnson Ranney Esquire of counsel for the said Richard Murphy, one of the plaintiffs in Error it is Ordered that the writ of error in this Case be amended, and that the said Dubart Murphy, Isaac Murphy, Jesse Murphy, William Gentry, John Keith

And Mary his Wife, the rest of the plaintiffs in Error, be made defendants in Error with the said David Murphy and William Evans and that said plaintiff Richard Murphy be allowed to proceed alone in this suit as a non Resident; and on further motion of the said Richard Murphy by his said Attorney; It is Ordered that he be allowed until the next Term of this Court to file a bond with sufficient security for the payment Of all Costs that have accrued or may hereafter accrue in this suit.

Elizabeth Philips administratrix, And Thomas Phillips
administrator Of Samuel Phillips deceased
Versus } In Chancery
Richard H. Waters

This day came Gustavus A Bird Esquire of counsel for the defendant and filed his Certain Affidavit, among other things, stating, "That this Suit was commenced under the Territorial Government, and a decree entered for complainants finally without an Interlocutory decree. A writ Of Error was brought before Harper, Chancellor, who dismissed the suit for want of Jurisdiction; That the Clerk of the Circuit Court Of New Madrid County sent up the Original papers to the Court Of Chancery: That, On the abolition Of that Court the papers Of that Court Were by law transfered to the Clerk Of the Cape Girardeau Circuit Court: That An appeal was afterwards taken in the Cause, the decree of the Court below was reversed, And the Cause sent back to New Madrid, With Orders for that Court to receive the Answer Of Waters: And to proceed to a hearing in that Court; That the Cause was Called And the venue Changed to the Circuit Court Of Washington County, That the Original papers are with the Clerk of the Cape Girardeau Circuit Court; And the said papers being produced here in Court

Wednesday November 29th 1826. 3rd DAY.

by the Clerk of the Cape Girardeau Circuit Court, It is thereupon on motion Of Messrs. Bird And Evans Attornies for said defendant, Ordered, that the said Original papers in this Suit, be delivered to the Honorable George Tompkins one Of the Judges of this Court, to be by him delivered to the Clerk of the Circuit Court of said County Of Washington: And it is further Ordered that a certified Copy Of this Order be made Out by the Clerk Of this Court to Accompany said papers which is done accordingly

And thereupon the said Supreme Court adjourned untill Ten OClock to morrow morning.
Test Claiborne S. Thomas,
Deputy Clerk.

Thursday November 30th 1826. 4th DAY

On Thursday the 4th Day of the Term and 30th day of November in the Year of our Lord 1826, The Supreme Court met at Ten OClock in the morning pursuant to adjournment.

Present The Honorable, Mathias McGirk
The Honorable, George Tompkins, and
The Honorable, Robert Wash
Judges of said Supreme Court.

101. Eli Shelby appellant
versus
James Ravenscroft appellee } appeal in Chancery.

The parties by their Solicitors came, and the Court being now sufficiently advised Of and concerning the premises, and the Record and proceedings aforesaid, and the decree entered in form aforesaid being seen, and the matters for Error therein assigned and joined, being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had, It appears to the Court now here, That in the Record and proceedings

Thursday November 30th 1826. 4th DAY.

aforesaid, and also in entering the decree aforesaid, 101.
there is Manifest Error; Therefore, it is considered by the Court, that the decree aforesaid, be Reversed, annulled, and altogether held for nothing, That a new Trial of this Cause be awarded, and the same remanded to the said Circuit Court, together with the decision and determination of this Court, for proceedings there to be had in this Cause accordingly: And that the appellant have and recover of and from the appellee, his Costs and Charges in and about the prosecuting his appeal in this behalf expended, &c.; And that he have Execution thereof &c.

Lyne Starling } In Error. 115
versus
Claiborne S. Thomas, William Creath and Richard T. Thomas

The parties by their attornies came, and the Court being now sufficiently advised of and concerning the premises, and the Record and proceedings aforesaid, and the Judgment given in form aforesaid being seen, and the matters for Error therein assigned and joined, being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had, It appears to the Court now here, that in the Record and Proceedings aforesaid, and also in giving the Judgment aforesaid, there is manifest Error, Therefore It is Considered by the Court, that the Judgment aforesaid, be Reversed, annulled, and altogether held for nothing, That a new Trial of this Cause be awarded, and the same remanded to the said Circuit Court, Together with the decision and determination Of this Court, for proceedings there to be had in this Cause accordingly: And that the plaintiff have and Recover of and from the defendants, his Costs and Charges, in and about the prosecuting his Writ Of Error in this behalf expended, &c.; and that he have execution thereof &c.

Thursday November 30th 1826. 4th DAY.

116. James Evans } Case in Error.
versus
John Hays late Sheriff of the County of Cape Girardeau

The parties by their attornies came, and the Court being now sufficiently advised of and concerning the premises, and the Record and proceedings aforesaid, and the Judgment given in form aforesaid being seen, and the matters for error therein assigned and Joined, being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had, It appears to the Court now here, That in the Record and proceedings aforesaid, and also in giving the Judgment aforesaid there is manifest Error, Therefore It is considered by the Court that the Judgment aforesaid, be reversed, annulled, and altogether held for nothing, That a new Trial of this Cause be awarded, and the same remanded to the said Circuit Court, together with the decision and determination of this Court, for proceedings there to be had in this Cause accordingly: and that the plaintiff have and recover of and from the defendant his Costs and Charges, in and about the prosecuting his writ of error in this behalf expended, &c and that he have Execution thereof &c.

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117 James Evans appellant
versus } appeal in Chancery.
The State of Miſsouri appellee

The parties by their Solicitors Came, and the Court being now sufficiently advised of and concerning the premises, and the Record and proceedings aforesaid, and the decree entered in form aforesaid being seen, and the matters for error therein assigned and Joined, being heard and argued, and by the Court now here fully understood and mature deliberation being thereupon had, It appears to the Court now here that in the Record and proceedings aforesaid, and also in entering the decree aforesaid, there is manifest Error. Therefore it is considered by the Court

Thursday November 30th 1826. 4th DAY.

117. that the Decree aforesaid be reversed, Annulled, and altogether held for nothing; that a new Trial Of this Cause be awarded, and the same remanded to the said Circuit Court, together with the decision and determination of this Court, for proceedings there to be had in this Cause accordingly; AND that the appellant have and recover of and from the appellee his Costs and Charges in and about the prosecuting his appeal in this behalf expended &c.

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120. John Carder, appellant }
versus } appeal.
John Forehand, appellee }

The parties by their attornies Came and the Court being now sufficiently advised of and Concerning the premises, and the Record and proceedings aforesaid, and the Judgment given in form aforesaid being seen, and the matters for error therein assigned being joined heard and argued, and by the Court now here fully understood and mature deliberation being thereupon had, It appears to the Court now here that in the Record and proceedings aforesaid, and also in giving the Judgment aforesaid there is manifest Error: Therefore It is considered by the Court that the Judgment aforesaid be reversed annulled and altogether held for nothing, That a new Trial Of this Cause be awarded, and the same remanded to the said Circuit Court, together with the decision and determination of this Court, for proceedings there to be had in this Cause accordingly; And that the appellant have and recover Of and from the appellee his Costs and Charges in and about the prosecuting his appeal in this behalf expended &c. And that he have execution thereof &c.

Thursday November 30th 1826. 4th DAY.

109 The President Directors And Company Of the Bank Of Missouri } Assumpit in Error.
versus
John Scott

The parties by their Attornies Came, And the Court not being as yet sufficiently advised Of and Concerning the premises take further time to advise thereof &c. And thereupon this Cause is Continued under advisement Untill the next Term Of this Court-.

112. Catharine Bolduc, Edmund Le Meilleur, Mary Le Meilleur, And Etienne Le Meilleur, the three last Infants by Joseph D. Grafton Guardian of said Infants appellants.
Versus } appeal in Chancery
Gustavus A. Bird appellee

The parties by their Solicitors Came And the Court being Now sufficiently Advised Of and Concerning the premises, And the Record and proceedings aforesaid, And the decree entered in form aforesaid being seen, And the matters for Error therein Assigned And Joined, being heard And argued, And by the Court now here fully understood, And mature deliberation being thereupon had, It Appears to the Court now here that in the Record And proceedings aforesaid, And also in entering the decree aforesaid, there is manifest Error. Therefore It is Considered by the Court that the decree aforesaid, be reversed, Annulled and altogether held for nothing, That a new Trial Of this Cause be awarded, and the same remanded to the said Circuit Court, together with the decision and determination Of this Court for proceedings there to be had in this Cause Accordingly And that the Appellants have And Recover Of and from the appellee, their Costs And Charges in and about the prosecuting their Appeal in this behalf expended &c And that they have Execution thereof &c.

Thursday November 30th 1826 4th DAY.

John Risher, appellant }
Versus } Appeal in Chancery 113
George Roush, appellee }

The parties by their Solicitors Came And the Court being now sufficiently advised Of And Concerning the premises, and the Record and proceedings aforesaid, and the decree entered in form aforesaid being seen, and the matters for Error therein Assigned And Joined, being heard And argued, And by the Court now here fully understood, and mature deliberation being thereupon had, It appears to the Court now here, That in the Record And proceedings aforesaid, and also in entering the decree aforesaid, there is Manifest Error. Therefore it is Considered by the Court that the decree aforesaid, be reversed annulled and altogether held for Nothing That a new Trial Of this Cause be awarded and the same remanded to the said Circuit Court, together with the decision and determination of this Court, for proceedings there to be had in this Cause accordingly. And that the appellant have and recover of and from the appellee, his Costs And Charges in And about the prosecuting his appeal in this behalf expended &c And that he have execution thereof &c.

John McLane }
versus } Slander in Error 114
John Davis }

The parties by their Attornies Came And the Court being Now sufficiently advised Of And Concerning the premises, And the Record And proceedings aforesaid, And the Judgment Given in form aforesaid being seen, And the matters for Error therein Assigned And Joined being heard And Argued, And by the Court Now here fully Understood,

Thursday November 30th 1826. 4th DAY.

114 And mature deliberation being thereupon had, It appears to the Court now here, That in the Record and proceedings aforesaid, And also in giving the Judgment aforesaid, there is Manifest Error. Therefore It is Considered by the Court that the Judgment aforesaid, be Reversed, Annulled and altogether held for nothing That a new trial Of this Cause be awarded, and the same remanded to the said Circuit Court, together with the decision and determination Of this Court, for proceedings there to be had in this Cause Accordingly, And that the plaintiff have and recover of and from the defendant, his Costs And Charges in and about the prosecuting his Writ of Error in this behalf expended &c And that he have execution thereof &c

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118 Elijah Bettis
Versus } Case in Error.
James Logan

The parties by their Attornies Came And the Court being now sufficiently Advised Of And Concerning the premises, And the Record And proceedings Aforesaid, And the Judgment given in form aforesaid being seen, And the matters for Error therein Aſsigned And joined being heard And Argued, And by the Court now here fully understood, And Mature deliberation being thereupon had, It appears to the Court now here that in the Record And proceedings aforesaid And also in giving the Judgment aforesaid, there is Manifest Error. Therefore it is Considered

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by the Court That the Judgment aforesaid, be reversed, annulled, and altogether held for nothing: That a New Trial Of this Cause be awarded, And the same remanded to the said Circuit Court, together with the Decision And determination Of this Court for proceedings there to be had in this Cause accordingly And that the Plaintiff have And recover Of And from the defendant his Costs And Charges in and about the prosecuting his Writ Of Error in this behalf Expended &c And That he have Execution thereof &c

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John Hendricks Sheriff of the County Of Cape Girardeau Came And presented An account for attendance upon this Court And for Stationary and fuel furnished at the present Term Which Account having been audited And adjusted And found to be Correct Amounting to Ten Dollars The Clerk of this Court is Ordered to Certify the same to the Auditor Of public Accounts of the State of Missouri..

Peter R. Garrett Clerk of this Court presented An Account for Office rent from the fourth Monday in November 1825 untill the 4th Monday November present amounting to thirty six dollars. which having been Adjusted And allowed by the Court. The Clerk is Ordered to Certify the same to the Auditor of public accounts of the State of Missouri

The Court having Audited the Account Of the Clerk Of this Court, for Taxes received for the use of the State from 4th Monday in November 1825 untill 4th Monday in May 1826, Amounting to eight dollars and finding the same Correct, Ordered that the same be Certified

The Court having Audited the Account of the Clerk of this Court for Taxes received for the use Of the State from the 4th Monday in May 1826 Untill the 4th Monday in November present Amounting to Three dollars And finding the Same Correct, Ordered That the Same be Certified &c

Ordered that the Sheriff of the County Of Cape Girardeau furnish the Clerk Of this Court with a Blank Book in which to Record the proceedings of this Court.

Memorandum. This Record Book Contains Eighteen pages Of the Judgments And Orders of the Supreme Court Commencing with page Three hundred And forty two, And ending with page Three hundred And fifty nine Of the Term of November in the Year Of our Lord One Thousand eight hundred And twenty six

Mathias McGirk
President Of
the Supreme Court

Test
Claiborne S Thomas
deputy Clerk